IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11674 of 2004

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

I.C.MACWAN

Versus

SANJAY YASHWANTRAI SHETH

Appearance:

MR KIRIT J MACWAN for Petitioner No. 1

MR SURESH M SHAH for Respondent No. 1

MR MEHUL S SHAH for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 13/10/2004

ORAL JUDGEMENT

1. Rule. Mr. Mehul S. Shah waives service of rule for respondent.

2. Notice was issued for specific purpose of allowing the petitioner to do the repairing work.

3. Heard the learned counsel for the respective parties. Mr.Shah for the respondent submitted that the repairing work can be done subject to the undertaking filed by the petitioner before the appellate court on 17th December 2004 being Exh.10 and the landlord has no objection in carrying out such repairing work. He further submitted that the landlord is willing to carry out the work through an agency of the tenant and the expenses may be borne by the tenant-petitioner.

4. In the premises aforesaid, it is directed that the respondent shall carry out the repairing work through an agency of the petitioner and the expenses thereof shall be borne by the present petitioner.

5. With the aforesaid direction the petition is disposed of.Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

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